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November 25, 2003

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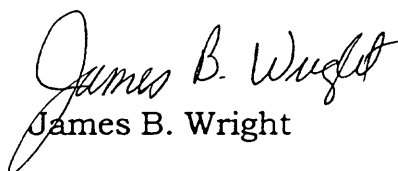
RE: *Implementation of the Federal Communications Commission's  
Triennial Review Order (9 Month Proceeding) - Loop and Transport  
Docket No. 03-00527*

Dear Mr. Woods:

Enclosed are the responses and objections of United Telephone-Southeast, Inc. to the MCImetro Access and Brooks Fibers' Initial Data Requests and Requests for Production of Documents issued in the above proceeding.

Should you have any questions, please contact me.

Sincerely,

  
James B. Wright

cc: Chairman Debroah Taylor Tate, Chairman (14 copies)  
Interested Parties' Counsel of Record (one copy)

**CERTIFICATE OF SERVICE**  
**Docket No. 03-00527 Loop and Transport**

I hereby certify that on November 25, 2003, a copy of United Telephone-Southeast, Inc.'s response and objections to MCI discovery was served on the following parties of record by air express, by electronic service or via United States mail, postage paid and properly addressed to the following:

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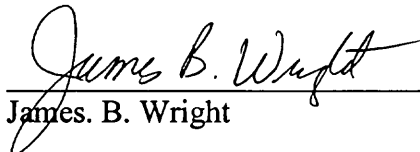
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\_\_\_\_\_  
James. B. Wright

**BEFORE THE  
TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee**

In Re:

FCC's Triennial Review Order (Nine Month  
Proceeding) – Loops and Transport

Docket No. 03-00527

**UTSE'S RESPONSES AND OBJECTIONS TO  
MCI'S AND BROOKS FIBER'S INITIAL DATA REQUESTS AND INITIAL  
REQUESTS FOR PRODUCTION OF DOCUMENTS**

COMES NOW United Telephone- Southeast, Inc. ("Sprint") and respectfully submits the following Responses and Objections to the Initial Data Requests and Initial Requests for Production of Documents (jointly "Requests") served on Sprint on November 3, 2003 by MCImetro Access Transmissions Services, LLC and Brooks Fiber Communications of Tennessee (jointly "MCI") in the above-referenced docket. These Responses and Objections are being provided by Sprint pursuant to the October 27, 2003 Order Establishing Procedural Schedule issued in this case, as modified by the November 20, 2003 Order Denying Joint Motion in Part and Granting Joint Motion in Part and Re-establishing Procedural Schedule ("Procedural Orders").

**GENERAL OBJECTIONS**

Sprint makes the following general objections. These general objections apply to each of the Requests and are to be incorporated by reference into Sprint's responses.

1. To the extent that MCI's Requests seek to impose an obligation on Sprint to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this

docket, Sprint objects on the grounds that such requests are irrelevant, overly broad, burdensome, oppressive and not permitted by the applicable discovery rules.

2. Sprint interprets the Requests to apply to Sprint's regulated intrastate operations in Tennessee and the nine states in the BellSouth region as provided in the Procedural Orders and will limit its Responses accordingly. To the extent that any Request is intended to apply to matters outside BellSouth's nine state region, Sprint objects on the grounds that such requests are irrelevant, overly broad, burdensome, oppressive and not permitted by the applicable discovery rules.

3. Sprint objects to each and every one of these Interrogatories and Requests to the extent that they request information which is exempt from discovery by virtue of the work product doctrine, attorney-client privilege, or other applicable privilege.

4. Sprint objects to each Request and instruction in so far as such Request or instruction is vague, ambiguous, overly broad, imprecise, or utilizes terms that are subject to multiple interpretations, but are not properly defined or explained for purposes of these Requests.

5. Sprint objects to these Requests to the extent that they seek information that is not relevant to any issue in this proceeding, nor reasonably calculated to lead to the discovery of admissible evidence.

6. Sprint objects to MCI's Requests to the extent that they seek to impose obligations on Sprint that exceed the requirements of the Tennessee Rules of Civil Procedure or other applicable Tennessee law or Authority regulation.

7. Sprint objects to MCI's Requests to the extent that they require the production of documents or information that is in the public domain, or on record with

the Authority or the Federal Communications Commission, or which is already in MCI's possession, custody or control.

8. Sprint objects to each Request to the extent responding would be unduly burdensome, expensive, oppressive, or excessively time consuming as written.

9. To the extent that MCI's Requests seek trade secrets, confidential research, development or commercial information or other confidential or proprietary information, Sprint objects. Subject to any other applicable objections, Sprint will provide such information in accordance with any Protective Order issued in this docket.

10. Sprint is a large corporation with employees located in many different locations across the United States. In the course of conducting business on a nationwide basis, Sprint creates numerous documents that are not subject to either Authority or FCC record retention requirements. These documents are kept in numerous locations and frequently are moved from location to location as Sprint employees change jobs, or as Sprint's business objectives changes. Accordingly, it is possible that not every document has been identified in response to these Requests. Sprint will conduct a reasonable and diligent search of those files that are reasonably expected to contain the Requests documents or information. To the extent that MCI's Requests seek to require more, Sprint objects on the grounds that compliance would be unduly burdensome, expensive and extremely time consuming.

11. Sprint objects to each and every one of these Requests to the extent that they seek to have Sprint create documents or information not in existence at the time of the discovery request.

Any responses provided by Sprint to MCI's requests will be provided subject to, and without waiver of, the foregoing objections. Sprint will make partial responses to the extent reasonably consistent with Sprint's objections.

## **RESPONSES AND OBJECTIONS TO MCI'S DATA REQUESTS**

**MCIC-1** Please list each and every transport route which you contend should be removed from the list of available DS-1 UNEs pursuant to FCC Rules §51.319(e)(1)(ii) [existence of competitive wholesale facilities.] For each listed route, please list: a) the CLLI code identifications of the endpoints; b) the identities of each claimed alternative competitive provider.

**RESPONSE:** Sprint does not at this time intend to propose to remove any route in its service territory from the list of available DS-1 UNEs pursuant to FCC Rule §51.319(e)(1)(ii). Since Sprint does not propose to remove any routes from the list of available UNE's at that time, Sprint would object on the grounds that this Request seeks discovery of irrelevant information not calculated to lead to discovery of admissible evidence.

**MCIC-2** For each alternative competitive provider listed in your response to MCIC-1, indicate whether it is an "affiliate" (as defined in 47 USC §153(1)) of UTSE or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-3** For each route listed in your response to MCIC-1, please provide the following information:

a) The type of terminating facility (e.g., collocation) used at each end of the route and a copy of the authority by which that facility is governed (i.e., tariff pages, collocation contract, or interconnection agreement.)

b) The exact route of each claimed alternative facility, including the owner of each facility segment, its date of installation and date of initial operation, the nature of the alternative competitive provider's ownership/occupancy rights (i.e., "fee simple ownership", "IRU", etc.), and the identity of any underlying owners or interest holders in the facility.

c) Identify for disclosure any and all documents you have that state that each claimed alternative competitive provider is willing immediately to provide, on a widely available basis, dedicated DS1 transport along the particular route.

d) The terms, including identification for disclosure of any governing documents, by which requesting telecommunications carriers are able to obtain

reasonable and nondiscriminatory access through cross connection to the facilities of the alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-4** Please list each and every transport route which you contend should be removed from the list of available DS-3 UNEs pursuant to FCC Rules §51.319(e)(2)(i)(A) [existence of alternative self-provisioned facilities.] For each listed route, please list: a) the CLLI code identifications of the endpoints; b) the identities of each claimed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-5** For each alternative competitive provider listed in your response to MCIC-4, indicate whether it is an “affiliate” (as defined in 47 USC §153(1)) of UTSE or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-6** For each route listed in your response to MCIC-4, please provide the following information:

- (a) The type of terminating facility (i.e., collocation) used at each end and a copy of the authority by which that facility is governed (i.e., tariff pages, collocation contract, or interconnection agreement.)
- (b) The exact route of each claimed alternative facility, including the owner of each facility segment, its date of installation and date of initial operation, the nature of the alternative competitive provider’s ownership/occupancy rights (i.e., “fee simple ownership”, “IRU”, etc.), and the identity of any underlying owners or interest holders in the facility.
- (c) Identify for disclosure any and all documents you have that state that each claimed alternative competitive provider is operationally ready to use the listed transport facilities to provide dedicated DS-3 transport along the particular route.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-7** Please list each and every transport route which you contend should be removed from the list of available DS-3 UNEs pursuant to FCC Rules §51.319(e)(2)(i)(B) [existence of competitive wholesale facilities.] For each listed route, please list: a) the CLLI code identifications of the endpoints; b) the identities of each claimed alternative competitive provider. \

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-8** For each alternative competitive provider listed in your response to MCIC-7, indicate whether it is an “affiliate” (as defined in 47 USC §153(1)) of UTSE or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-9** For each route listed in your response to MCIC-7, please provide the following information:

- (a) The type of terminating facility (i.e., collocation) used at each end and a copy of the authority by which that facility is governed (i.e., tariff pages, collocation contract, or interconnection agreement.)
- (b) The exact route of each claimed alternative facility, including the owner of each facility segment, its date of installation and date of initial operation, the nature of the alternative competitive provider’s ownership/occupancy rights (i.e., “fee simple ownership”, “IRU”, etc.), and the identity of any underlying owners or interest holders in the facility.
- (c) Identify for disclosure any and all documents you have that state that each claimed alternative competitive provider is willing immediately to provide, on a widely available basis, dedicated DS-3 transport along the particular route.
- (d) The terms, including identification for disclosure of any governing documents, by which requesting telecommunications carriers are able to obtain reasonable and nondiscriminatory access through cross connection to the facilities of the alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-10** Please list each and every transport route which you contend should be removed from the list of available DS-3 UNEs pursuant to FCC Rules §51.319(e)(2)(ii) [potential deployment of alternative facilities.] For each listed route, please list: a) the CLLI code identifications of the endpoints; b) the identities of any identified alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1. Also see General Objection No. 2. and No. 5. This Request in part asks for information related to establishing a case for a finding of non-impairment based on a potential deployment analysis, however, Sprint is not challenging the FCC’s national finding of impairment for transport based on a potential deployment analysis. Therefore, Sprint objects to this Request because it seeks discovery of irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

**MCIC-11** For each route listed in your response to MCIC-10, please identify for disclosure all information in your possession relating to:

- (a) local engineering costs of building and utilizing transmission facilities



- (b) the cost of underground or aerial laying of fiber or copper;
- (c) the cost of equipment needed for transmission; installation and other necessary costs involved in setting up service;
- (d) relevant local topography such as hills and rivers;
- (e) availability of reasonable access to rights-of-way;
- (f) availability/feasibility of similar quality/reliability alternative transmission technologies along the particular route;
- (g) customer density and addressable market; and
- (h) existing facilities-based competition.

**RESPONSE:** See Response to Request MCIC-1. Also see General Objection No. 2. and No. 5. This Request in part asks for information related to establishing a case for a finding of non-impairment based on a potential deployment analysis, however, Sprint is not challenging the FCC's national finding of impairment for transport based on a potential deployment analysis. Therefore, Sprint objects to this Request because it seeks discovery of irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

**MCIC-12** For each alternative competitive provider listed in your response to MCIC-10 and for each provider of any existing facilities-based competition listed in your response to 0(h), indicate whether it is an "affiliate" (as defined in 47 USC §153(1)) of UTSE or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1. Also see General Objection No. 2. and No. 5. This Request in part asks for information related to establishing a case for a finding of non-impairment based on a potential deployment analysis, however, Sprint is not challenging the FCC's national finding of impairment for transport based on a potential deployment analysis. Therefore, Sprint objects to this Request because it seeks discovery of irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

**MCIC-13** Please list each and every transport route which you contend should be removed from the list of available Dark Fiber UNEs pursuant to FCC Rules §51.319(e)(3)(i)(A) [existence of alternative self-provisioned facilities.] For each listed route, please list: a) the CLLI code identifications of the endpoints; b) the identities of each claimed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-14** For each alternative competitive provider listed in your response to MCIC-13, indicate whether it is an "affiliate" (as defined in 47 USC §153(1)) of UTSE or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-15** For each route listed in your response to MCIC-13, please provide the following information:

- (a) The type of terminating facility (i.e., collocation) used at each end and a copy of the authority by which that facility is governed (i.e., tariff pages, collocation contract, or interconnection agreement).
- (b) The exact route of each claimed alternative facility, including the owner of each facility segment, its date of installation and date of initial operation, the nature of the alternative competitive provider's ownership/occupancy rights (i.e., "fee simple ownership", "IRU", etc.), and the identity of any underlying owners or interest holders in the facility.
- (c) Identify for disclosure any and all documents you have that state that each claimed alternative competitive provider is operationally ready to use the listed transport facilities to provide dedicated Dark Fiber transport along the particular route.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-16** Please list each and every transport route which you contend should be removed from the list of available Dark Fiber UNEs pursuant to FCC Rules §51.319(e)(3)(i)(B) [existence of competitive wholesale facilities.] For each listed route, please list: a) the CLLI code identifications of the endpoints; b) the identities of each claimed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-17** For each alternative competitive provider listed in your response to MCIC-16, indicate whether it is an "affiliate" (as defined in 47 USC §153(1)) of UTSE or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-18** For each route listed in your response to MCIC-16, please provide the following information:

- (a) The type of terminating facility (i.e., collocation) used at each end and a copy of the authority by which that facility is governed (i.e., tariff pages, collocation contract, or interconnection agreement.)
- (b) The exact route of each claimed alternative facility, including the owner of each facility segment, its date of installation and date of initial operation, the nature of the alternative competitive provider's ownership/occupancy rights (i.e., "fee simple ownership", "IRU", etc.), and the identity of any underlying owners or interest holders in the facility.
- (c) Identify for disclosure any and all documents you have that state that each claimed alternative competitive provider is willing

immediately to provide, on a widely available basis, dedicated Dark Fiber transport along the particular route.

- (d) The terms, including identification for disclosure of any governing documents, by which requesting telecommunications carriers are able to obtain reasonable and nondiscriminatory access through cross connection to the facilities of the alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-19** Please list each and every transport route which you contend should be removed from the list of available Dark Fiber UNEs pursuant to FCC Rules §51.319(e)(3)(ii) [potential deployment of alternative facilities.] For each listed route, please list: a) the CLLI code identifications of the endpoints; b) the identities of any identified alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-20** For each route listed in your response to MCIC-19, please identify for disclosure all information in your possession relating to:

- (a) local engineering costs of building and utilizing transmission facilities;
- (b) the cost of underground or aerial laying of fiber or copper;
- (c) the cost of equipment needed for transmission; installation and other necessary costs involved in setting up service;
- (d) relevant local topography such as hills and rivers;
- (e) availability of reasonable access to rights-of-way;
- (f) availability/feasibility of similar quality/reliability alternative transmission technologies along the particular route;
- (g) customer density and addressable market; and
- (h) existing facilities-based competition.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-21** For each alternative competitive provider listed in your response to MCIC-19 and for each provider of any existing facilities-based competition listed in your response to MCIC-20(h), indicate whether it is an “affiliate” (as defined in 47 USC §153(1)) of UTSE or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-22** Please describe and identify for disclosure all supporting documents for any state or locally enacted or enforced barriers to entry by competing providers of

DS-1, DS-3, OC-n, or Dark Fiber transport, including, but not limited to, any moratoria or restrictions on construction or access to rights of way. Include all relevant legal provisions and a description of any UTSE deployment or construction projects which have been undertaken since the enactment of the restriction or moratoria. Describe the steps taken or qualifications met in order for the identified UTSE projects to either comply with or avoid the effects of the restriction or moratoria.

**RESPONSE:** See Response to Request MCIC-1.

**MCIC-23** For each route identified in your responses to MCIC-1 through MCIC-19, please provide the following information, or identify it for disclosure:

- (a) All forecasts of UTSE expected, estimated, anticipated, or forecasted demand growth or decline for all classes of transport service. To the extent you have information disaggregated by type of customer or demand (e.g., “business”, “data”, “UNE”, “special access”, or other categories) please provide such disaggregated figures. To the extent different documents may provide differing figures, estimates, or forecasts based upon the impact or implementation of any regulatory or judicial action (including, but not limited to, the *Triennial Review Order* and related proceedings) provide all such figures, estimates, and forecasts, identifying which relate to which different regulatory or judicial outcomes;
- (b) UTSE’s current transport capacity utilization, including total number and type of fibers or copper cabling
- (c) number of “unlit” or “dark” fibers;
- (d) number of “lit” fibers with the current operational level implemented for each (i.e., which OC level);
- (e) current utilization of copper wire, if any, including identification and capacity of implemented digital and analog transmission capability
- (f) identification of unused copper facilities, if any.

**RESPONSE:** See Response to Request MCIC-1. Also see General Objection No. 2. and No. 5. This Request in part asks for information related to establishing a case for a finding of non-impairment based on a potential deployment analysis, however, Sprint is not challenging the FCC’s national finding of impairment for loops based on a potential deployment analysis. Therefore, Sprint objects to this Request because it seeks discovery of irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

**MCIC-24** Please provide the following information for each fiber or conduit deployment project by UTSE in Tennessee since January 1, 2000:

- (a) type, size, and capacity of conduit installed along all or any separate portion of the route;
- (b) type and number of fibers initially installed along all or any

- separate portion of the route,
- (c) type and number of fibers for each and every subsequent installation along all or any portion of the route;
- (d) all available budgetary and actual cost data for both initial and any subsequent installations, including all costs for permits, authority, ROW, lobbying, public policy, excavation, trenching, boring, backfill, surface repair, remediation, vault construction, termination, payments-in-kind, related usage rights, materials (including conduit and cabling), and any other expenses necessary to the project. Please identify all supporting documents for disclosure.

**RESPONSE:** See General Objection No. 2. and No. 5. This Request asks for information related to establishing a case for a finding of non-impairment based on a potential deployment analysis; however Sprint is not challenging the FCC's national finding of impairment for transport based on a potential deployment analysis. Therefore, Sprint objects to this Request because it seeks discovery of irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

**MCIC-25** Please provide the following information for each planned fiber or conduit deployment project by UTSE in Tennessee for the next 3 years: (Include in this response any current projects not included in T-111, as well as future projects.)

- (a) type, size, and capacity of conduit to be installed along all or any separate portion of the route;
- (b) type and number of fibers to be initially installed along all or any separate portion of the route,
- (c) type and number of fibers for each and every planned subsequent installation along all or any portion of the route;
- (d) all available budgetary cost data and estimates for both initial and any subsequent installations, including all costs and estimates for permits, authority, ROW, lobbying, public policy, excavation, trenching, boring, backfill, surface repair, remediation, vault construction, termination, payments-in-kind, related usage rights, materials (including conduit and cabling), and any other expenses necessary to the project. Please identify all supporting documents for disclosure.

**RESPONSE:** See Response to Request MCIC-24.

**MCIC-26** Please identify for disclosure all contracts, agreements, tariffs, or other governing documents by which UTSE:

- (a) sells, rents, leases, or otherwise provides telecommunications transport services between its switches and/or wire centers to others in Tennessee;
- (b) buys, rents, leases, or otherwise acquires telecommunications transport services between its switches and/or wire centers from

others in Tennessee.

**RESPONSE:** See Response to Request MCIC-24. Also, see General Objection No. 7.

MCIC-27 With respect to all documents identified in your response to MCIC-26, please provide quarterly totals for the last 3 years of the amount of transport capacity provided or acquired, identifying the quantity, route, and opposite party for each segment.

**RESPONSE:** See Response to Request MCIC-24.

MCIC-28 Please describe in detail any price floors or other limitation imposed by any law, regulation, Tennessee Regulatory Authority orders or rulings that constrain UTSE's ability to reduce prices for each of the following: a) dark fiber service, b) OC-n level service, c) DS-3 service and d) DS-1 service. For each such price floor or other limitation, provide the basis for the calculation for the price floor or other limitation (e.g., price freeze, cost-based calculation, etc.).

**RESPONSE:** See Response to Request MCIC-24.

MCIC-29 Please provide a description and identify for disclosure all supporting documentation for all UTSE currently offered bundles and volume discounts involving the following: a) dark fiber service, b) OC-n level service, c) DS-3 service and d) DS-1 service.

**RESPONSE:** See Response to Request MCIC-24.

MCIC-30 Please provide a description and identify for disclosure all supporting documentation for all UTSE planned or contemplated bundles and volume discounts involving the following: a) dark fiber service, b) OC-n level service, c) DS-3 service and d) DS-1 service.

**RESPONSE:** See Response to Request MCIC-24.

MCIC-31 Please identify for disclosure all documents that address or assess the risk of stranded transport capacity on all or any portion of UTSEs' existing network in Tennessee.

**RESPONSE:** See Response to Request MCIC-24.

MCIC-32 For this and the immediately following four questions, the phrase "lit enterprise circuit(s)" means one or more circuits at the DS-1, DS-3, or OC-x capacity levels. Please describe all your current procedures for moving portions of lit enterprise circuits from your own network to a CLEC or IXC network. Include all procedures for circuits which serve multiple end-users by virtue of connection to multiple UTSE "tail circuits" or "loops" via UTSE provided MUX or DACS equipment.

**RESPONSE:** See General Objection No. 5., No. 6 and No. 7. This Request seeks information relating to a “hot cuts” procedure. The TRA has established a separate docket to address hot cuts (See Docket No. 03-00526). In addition, since Sprint is not contesting the national finding of impairment regarding mass market switching, this Request seeks discovery of irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

**MCIC-33** When a lit enterprise circuit provided by UTSE under UNE procedures or Special Access tariffs serves multiple end-user customers through UTSE provided MUX or DACS equipment, will UTSE perform a “hot cut” of all or part of the lit enterprise circuit portion to non-UTSE provided transport?

(a) If no, why not?

(b) If yes, will UTSE perform this function based on a single Access Service Request (“ASR”) submission by the carrier customer or does UTSE require multiple ASRs? If the answer is that a single ASR is acceptable, please identify any prior periods when multiple ASRs were required.

**RESPONSE:** See Response to Request MCIC-32.

**MCIC-34** As part of any required transition from UNE enterprise circuit transport to non-UTSE transport, will UTSE perform a “hot cut” of all or part of any lit enterprise circuit portion to non-UTSE provided transport?

1. If no, why not?

2. If yes, will UTSE perform this function based on a single service request, or will UTSE require separate requests for each end-user circuit?

**RESPONSE:** See Response to Request MCIC-32.

**MCIC-35** Has UTSE ever imposed restrictions on the number of lit enterprise circuits it would transition from the UTSE network to the networks of others? If yes, state all such restrictions imposed and all terms of such restrictions (i.e., any specifics as to numbers of such transitions within a specific time and/or region; conditions as to time “out of service”; any required impositions of unfavorable customer conditions; any mandatory classification of any such transition as “project work” [or other non-standard undertaking] thereby changing or avoiding any otherwise applicable service guarantees, performance standards, or terms ensuring quality of service, etc.)

**RESPONSE:** See Response to Request MCIC-32.

MCIC-36 Please identify for disclosure all internal methods & procedures, business rules, memoranda, communications, e-mail, reports, etc. which describe in any way issues related to the migration of lit enterprise circuits or circuit portions from the UTSE network to any non-UTSE network. In addition, if not already encompassed in the prior sentence, also identify for disclosure all such documents which discuss any potential means of discouraging such moves, or any complaints or comments received relating to procedures used to undertake such moves, or any refusals of such moves.

**RESPONSE:** See Response to Request MCIC-32.

### ENTERPRISE UNE LOOP IMPAIRMENT ISSUES

MCIC-37 Please state the proportion of “unlit” or “dark” fiber in loop feeder and distribution plant a) for each of the last 5 years; b) currently; and c) all projections for the next 3 years.

**RESPONSE:** See General Objection No. 2. and No. 5. This Request in part asks for information related to establishing a case for a finding of non-impairment based on a potential deployment analysis; however, Sprint is not challenging the FCC’s national finding of impairment for loops based on a potential deployment analysis. Therefore, Sprint objects to this Request because it seeks discovery of irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

MCIC-38 Please state the “OCn” level at which fiber in the loop feeder and distribution plant has been, is being, or will be operated:

- (a) for each of the last 3 years;
- (b) currently; and
- (c) all projections for the next 3 years.

**RESPONSE:** See Response to Request MCIC-37.

MCIC-39 Please describe and supply supporting documentation for any change in the last three years, and any change currently in progress, in deployment plans or schedules which would tend to either a) lower or reduce the future transmission (“OCn”) level of any fiber in the loop feeder and/or distribution plant; b) reduce any expected, anticipated, or planned increases in the future transmission (“OCn”) level of any fiber in the loop feeder and/or distribution plant; c) increase the number of fibers used at any point in the loop feeder and/or distribution plant; or d) reduce the number of “unlit” fibers available for provision of “dark fiber” to others.



**RESPONSE:** See Response to Request MCIC-37.

**MCIC-40** Please define “customer location” and “customer premises” in the context of enterprise UNE loop impairment analyses. Are these terms synonymous in your view? If not, please describe in detail your view of the differences in these terms with respect to DS-1, DS-3, and Dark Fiber UNE loops.

**RESPONSE:** See General Objection 4.

**MCIC-41** Please list each and every customer location which you contend should be removed from the list of available DS-1 UNE loop destinations pursuant to FCC Rules §51.319(a)(4)(ii) [existence of competitive wholesale facilities.] For each listed location, please list:

- (a) the CLLI code identification of the network endpoint;
- (b) the identities of each claimed alternative competitive provider;
- (c) the exact location of the customer endpoint;
- (d) all persons owning an interest in or controlling access to the customer location;
- (e) whether the location is a single-tenant or multi-tenant facility;
- (f) identify for disclosure all documents or information in your possession, custody, or control regarding any and all rights of access either you or any other telecommunications carrier may have within the location;
- (g) whether you claim ownership or control over any intra-building wire, fiber, cabling, or right of access;
- (h) whether you are willing to make available any intra-building wire, fiber, cabling or right of access you may have to other telecommunications carriers at no cost;
- (i) whether you are willing to make available any intra-building wire, fiber, cabling, or right of access you may have to other telecommunications carriers for consideration, including the amounts and all terms of that consideration;
- (j) what other means, if any, you are aware of that could be used by other telecommunications carriers to access tenants within the location.

**RESPONSE:** Sprint does not at this time intend to propose to remove any customer location in its service territory from the list of available DS-1 UNEs pursuant to FCC Rule §51.319(a)(4)(ii). Since Sprint does not propose to remove any locations from the list of available UNE’s at that time, Sprint would object on the grounds that this Request seeks discovery of irrelevant information not calculated to lead to discovery of admissible evidence.

**MCIC-42** For each alternative competitive provider listed in your response to MCIC-41, indicate whether it is an “affiliate” (as defined in 47 USC §153(1)) of UTSE

or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-43** For each location listed in your response to MCIC-41, please provide the following information:

- (a) The type of alternative loop provisioned and made available.
- (b) The exact location of each claimed alternative facility, including the owner of each facility segment, its date of installation and date of initial operation, the nature of the alternative competitive provider's ownership/occupancy rights (i.e., "fee simple ownership", "IRU", etc.), and the identity of any underlying owners or interest holders in the facility.
- (c) Identify for disclosure any and all documents in your possession, custody or control that state that each claimed alternative competitive provider is willing immediately to provide, on a widely available basis, dedicated DS1 loop facilities at the specified location.
- (d) The terms, including identification for disclosure of any governing documents, by which requesting telecommunications carriers are able to obtain reasonable and nondiscriminatory access to the facilities of the alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-44** Please list each and every customer location which you contend should be removed from the list of available DS-3 UNE loop destinations pursuant to FCC Rules §51.319(a)(5)(i)(A) [existence of alternative self-provisioned facilities.]

For each listed location, please list:

- (a) the CLLI code identifications of the network endpoint;
- (b) the identities of each claimed alternative competitive provider;
- (c) the exact location of the customer endpoint;
- (d) all persons owning an interest in or controlling access to the customer location;
- (e) whether the location is a single-tenant or multi-tenant facility;
- (f) identify for disclosure all documents or information in your possession, custody, or control regarding any and all rights of access either you or any other telecommunications carrier may have within the location;
- (g) whether you claim ownership or control over any intra-building wire, fiber, cabling, or right of access;
- (h) whether you are willing to make available any intra-building wire, fiber, cabling or right of access you may have to other telecommunications carriers at no cost;
- (i) whether you are willing to make available any intra-building wire, fiber, cabling, or right of access you may have to other

- telecommunications carriers for consideration, including the amounts and all terms of that consideration;
- (j) what other means, if any, you are aware of that could be used by other telecommunications carriers to access tenants within the location.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-45** For each alternative competitive provider listed in your response to MCIC-44, indicate whether it is an “affiliate” (as defined in 47 USC §153(1)) of UTSE or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-46** For each location listed in your response to MCIC-44, please provide the following information:

- (a) The type of alternative loop provisioned and made available.
- (b) The exact route of each claimed alternative facility, including the owner of each facility segment, its date of installation and date of initial operation, the nature of the alternative competitive provider’s ownership/occupancy rights (i.e., “fee simple ownership”, “IRU”, etc.), and the identity of any underlying owners or interest holders in the facility.
- (c) Identify for disclosure any and all documents in your possession, custody, or control that state that each claimed alternative competitive provider is operationally ready to use the listed loop facilities to provide dedicated DS-3 loop facilities at the specified location.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-47** Please list each and every customer location which you contend should be removed from the list of available DS-3 UNE loop destinations pursuant to FCC Rules §51.319(a)(5)(i)(B) [existence of competitive wholesale facilities.] For each listed location, please list:

- (a) the CLLI code identification of the network endpoint;
- (b) the identities of each claimed alternative competitive provider;
- (c) the exact location of the customer endpoint;
- (d) all persons owning an interest in or controlling access to the customer location;
- (e) whether the location is a single-tenant or multi-tenant facility;
- (f) identify for disclosure all documents or information in your possession, custody, or control regarding any and all rights of access either you or any other telecommunications carrier may have within the location;
- (g) whether you claim ownership or control over any intra-building wire, fiber,

- cabling, or right of access;
- (h) whether you are willing to make available any intra-building wire, fiber, cabling or right of access you may have to other telecommunications carriers at no cost;
  - (i) whether you are willing to make available any intra-building wire, fiber, cabling, or right of access you may have to other telecommunications carriers for consideration, including the amounts and all terms of that consideration;
  - (j) what other means, if any, you are aware of that could be used by other telecommunications carriers to access tenants within the location.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-48** For each alternative competitive provider listed in your response to MCIC-47, indicate whether it is an “affiliate” (as defined in 47 USC §153(1)) of UTSE or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-49** For each location listed in your response to MCIC-47, please provide the following information:

- (a) The type alternative loop provisioned and made available.
- (b) The exact route of each claimed alternative facility, including the owner of each facility segment, its date of installation and date of initial operation, the nature of the alternative competitive provider’s ownership/occupancy rights (i.e., “fee simple ownership”, “IRU”, etc.), and the identity of any underlying owners or interest holders in the facility.
- (c) Identify for disclosure any and all documents in your possession, custody or control that state that each claimed alternative competitive provider is willing immediately to provide, on a widely available basis, dedicated DS-3 loop facilities at the specified location.
- (d) The terms, including identification for disclosure of any governing documents, by which requesting telecommunications carriers are able to obtain reasonable and nondiscriminatory access through cross connection to the facilities of the alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-50** Please list each and every customer location which you contend should be removed from the list of available DS-3 UNE loop destinations pursuant to FCC Rules §51.319(a)(5)(ii) [potential deployment of alternative facilities.] For each listed location, please list:

- (a) the CLLI code identifications of the network endpoint;

- (b) the identities of any identified alternative competitive provider;
- (c) the exact location of the customer endpoint;
- (d) all persons owning an interest in or controlling access to the customer location;
- (e) whether the location is a single-tenant or multi-tenant facility;
- (f) identify for disclosure all documents or information in your possession, custody or control regarding any and all rights of access either you or any other telecommunications carrier may have within the location;
- (g) whether you claim ownership or control over any intra-building wire, fiber, cabling, or right of access;
- (h) whether you are willing to make available any intra-building wire, fiber, cabling or right of access you may have to other telecommunications carriers at no cost;
- (i) whether you are willing to make available any intra-building wire, fiber, cabling, or right of access you may have to other telecommunications carriers for consideration, including the amounts and all terms of that consideration;
- (j) what other means, if any, you are aware of that could be used by other telecommunications carriers to access tenants within the location.

**RESPONSE:** See Response to Request MCIC-41. Also see General Objection No. 2. and No. 5. This Request in part asks for information related to establishing a case for a finding of non-impairment based on a potential deployment analysis, however, Sprint is not challenging the FCC's national finding of impairment for loops based on a potential deployment analysis. Therefore, Sprint objects to this Request because it seeks discovery of irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

**MCIC-51** For each location listed in your response to MCIC-50, please identify for disclosure all documents and information in your possession, custody or control relating to:

- (a) local engineering costs of building and utilizing loop facilities;
- (b) the cost of underground or aerial laying of fiber or copper;
- (c) the cost of equipment needed for loop facilities; installation and other necessary costs involved in setting up service;
- (d) relevant local topography such as hills and rivers;
- (e) availability of reasonable access to rights-of-way;
- (f) availability/feasibility of similar quality/reliability alternative loop technologies along the particular route;
- (g) customer density and addressable market; and
- (h) existing facilities-based competition.

**RESPONSE:** See Response to Request MCIC-41. Also see General Objection No. 2. and No. 5. This Request in part asks for information related to establishing a case for a finding of non-impairment based on a potential deployment analysis, however,

Sprint is not challenging the FCC's national finding of impairment for loops based on a potential deployment analysis. Therefore, Sprint objects to this Request because it seeks discovery of irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

MCIC-52 For each alternative competitive provider listed in your response to MCIC-50 and for each provider of any existing facilities-based competition listed in your response to MCIC-51(h), indicate whether it is an "affiliate" (as defined in 47 USC §153(1)) of UTSE or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-41. Also see General Objection No. 2. and No. 5. This Request in part asks for information related to establishing a case for a finding of non-impairment based on a potential deployment analysis, however, Sprint is not challenging the FCC's national finding of impairment for loops based on a potential deployment analysis. Therefore, Sprint objects to this Request because it seeks discovery of irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

MCIC-53 Please list each and every customer location which you contend should be removed from the list of available Dark Fiber UNEs pursuant to FCC Rules §51.319(a)(6)(i) [existence of alternative self-provisioned facilities.] For each listed location, please list:

- (a) the CLLI code identifications of the network endpoint;
- (b) the identities of each claimed alternative competitive provider;
- (c) the exact location of the customer endpoint;
- (d) all persons owning an interest in or controlling access to the customer location;
- (e) whether the location is a single-tenant or multi-tenant facility;
- (f) identify for disclosure all documents or information in your possession, custody or control regarding any and all rights of access either you or any other telecommunications carrier may have within the location;
- (g) whether you claim ownership or control over any intra-building wire, fiber, cabling, or right of access;
- (h) whether you are willing to make available any intra-building wire, fiber, cabling or right of access you may have to other telecommunications carriers at no cost;
- (i) whether you are willing to make available any intra-building wire, fiber, cabling, or right of access you may have to other telecommunications carriers for consideration, including the amounts and all terms of that consideration;
- (j) what other means, if any, you are aware of that could be used

by other telecommunications carriers to access tenants within the location.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-54** For each alternative competitive provider listed in your response to MCIC-53, indicate whether it is an “affiliate” (as defined in 47 USC §153(1)) of UTSE or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-55** For each location listed in your response to MCIC-53, please provide the following information:

- (a) The type of alternative loop provisioned and made available.
- (b) The exact route of each claimed alternative facility, including the owner of each facility segment, its date of installation and date of initial operation, the nature of the alternative competitive provider’s ownership/occupancy rights (i.e., “fee simple ownership”, “IRU”, etc.), and the identity of any underlying owners or interest holders in the facility.
- (c) Identify for disclosure any and all documents in your possession, custody or control that state that each claimed alternative competitive provider is operationally ready to use the listed loop facilities to provide dedicated Dark Fiber loop facilities at the specified location.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-56** Please list each and every customer location which you contend should be removed from the list of available Dark Fiber UNEs pursuant to FCC Rules §51.319(a)(6)(ii) [potential deployment of alternative facilities.] For each listed location, please list:

- (a) the CLLI code identifications of the network endpoint;
- (b) the identities of each claimed alternative competitive provider;
- (c) the exact location of the customer endpoint;
- (d) all persons owning an interest in or controlling access to the customer location;
- (e) whether the location is a single-tenant or multi-tenant facility;
- (f) identify for disclosure all documents or information in your possession, custody or control regarding any and all rights of access either you or any other telecommunications carrier may have within the location;
- (g) whether you claim ownership or control over any intra-building wire, fiber, cabling, or right of access;

- (h) whether you are willing to make available any intra-building wire, fiber, cabling or right of access you may have to other telecommunications carriers at no cost;
- (i) whether you are willing to make available any intra-building wire, fiber, cabling, or right of access you may have to other telecommunications carriers for consideration, including the amounts and all terms of that consideration;
- (j) what other means, if any, you are aware of that could be used by other telecommunications carriers to access tenants within the location.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-57** For each location listed in your response to MCIC-56, please identify for disclosure all documents and information in your possession, custody or control relating to:

- (a) local engineering costs of building and utilizing loop facilities;
- (b) the cost of underground or aerial laying of fiber or copper;
- (c) the cost of equipment needed for loop facilities; installation and other necessary costs involved in setting up service;
- (d) relevant local topography such as hills and rivers;
- (e) availability of reasonable access to rights-of-way;
- (f) availability/feasibility of similar quality/reliability alternative
- (g) loop technologies along the particular route;
- (h) customer density and addressable market; and
- (i) existing facilities-based competition.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-58** For each alternative competitive provider listed in your response to MCIC-56 and for each provider of any existing facilities-based competition listed in your response to MCIC-57(h), indicate whether it is an "affiliate" (as defined in 47 USC §153(1)) of UTSE or of any other listed alternative competitive provider.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-59** Please describe and identify for disclosure all supporting documents for any state or locally enacted or enforced limitations on or barriers to entry by competing providers of DS-1, DS-3, OC-n, or Dark Fiber loop, including, but not limited to, any moratoria or restrictions on construction or access to rights of way. Include all relevant legal provisions and a description of any UTSE deployment or construction projects which have been undertaken since the enactment of the restriction or moratoria. Describe the steps taken or qualifications met in order for the identified UTSE projects to either comply with or avoid the effects of the restriction or moratoria.



**RESPONSE:** See Response to Request MCIC-41.

**MCIC-60** For each location identified in your response to MCIC-41 through MCIC-56, please provide or identify for disclosure the following information:

- (a) All forecasts of UTSE expected, estimated, anticipated, or forecasted demand growth or decline for all classes of loop facilities. To the extent you have information disaggregated by type of customer or demand (e.g., “business”, “data”, “UNE”, “special access”, or other categories) please provide such disaggregated figures. To the extent different documents may provide differing figures, estimates, or forecasts based upon the impact or implementation of any regulatory or judicial action (including, but not limited to, the *Triennial Review Order* and related proceedings) identify for disclosure all such documents and provide all such figures, estimates, and forecasts, identifying which relate to which different regulatory or judicial outcomes;
- (b) UTSE’s current loop capacity utilization, including total number and type of fibers or copper cabling;
- (c) number of “unlit” or “dark” fibers;
- (d) number of “lit” fibers with the current transmission level implemented for each (i.e., which OCn level);
- (e) current utilization of copper wire, if any, including identification and capacity of implemented digital and analog loop capability
- (f) identification of unused copper facilities, if any.

**RESPONSE:** See Response to Request MCIC-41.

**MCIC-61** Please provide and identify for disclosure all documents supporting the following information for each fiber or conduit deployment project by UTSE in Tennessee since January 1, 2000:

- (a) type, size, and capacity of conduit installed along all or any separate portion of the route;
- (b) type and number of fibers initially installed along all or any separate portion of the route,
- (c) type and number of fibers for each and every subsequent installation along all or any portion of the route;
- (d) all available budgetary and actual cost data for both initial and any subsequent installations, including all costs for permits, authority, ROW, lobbying, public policy, excavation, trenching, boring, backfill, surface repair, remediation, vault construction, termination, payments-in-kind, related usage rights, materials

(including conduit and cabling), and any other expenses necessary to the project.

**RESPONSE:** See General Objection No. 2. and No. 5. This Request asks for information related to establishing a case for a finding of non-impairment based on a potential deployment analysis; however Sprint is not challenging the FCC's national finding of impairment for loops based on a potential deployment analysis. Therefore, Sprint objects to this Request because it seeks discovery of irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence.

**MCIC-62** Please provide and identify for disclosure all documents supporting the following information for each planned fiber or conduit deployment project by UTSE in Tennessee for the next 3 years: (Include in this response any current projects not included in MCIC-61, as well as future projects.)

- (a) type, size, and capacity of conduit to be installed along all or any separate portion of the route;
- (b) type and number of fibers to be initially installed along all or any separate portion of the route;
- (c) type and number of fibers for each and every planned subsequent installation along all or any portion of the route;
- (d) all available budgetary cost data and estimates for both initial and any subsequent installations, including all costs and estimates for permits, authority, ROW, lobbying, public policy, excavation, trenching, boring, backfill, surface repair, remediation, vault construction, termination, payments-in-kind, related usage rights, materials (including conduit and cabling), and any other expenses necessary to the project.

**RESPONSE:** See Response to Request MCIC-61

**MCIC-63** Please identify for disclosure all contracts, agreements, tariffs, or other governing documents by which UTSE:

- (a) sells, rents, leases, or otherwise provides telecommunications loop facilities to others in Tennessee;
- (b) buys, rents, leases, or otherwise acquires loop facilities from others in Tennessee.

**RESPONSE:** See Response to Request MCIC-61

**MCIC-64** With respect to all documents identified in your response to MCIC-63, please provide quarterly totals since January 1, 2000 of the amount of loop capacity provided or acquired, identifying the quantity, route, and opposite party for each segment.

**RESPONSE:** See Response to Request MCIC-61

MCIC-65 Please describe in detail any price floor(s) or other limitation(s) imposed by any law, regulation, Tennessee Regulatory Authority orders or rulings that constrain UTSE's ability to reduce prices for each of the following:

- (a) dark fiber loop service,
- (b) OC-n level loop service,
- (c) DS-3 loop service and
- (d) DS-1 loop service. For each such price floor or other limitation, provide the basis for the calculation for the price floor or other limitation (e.g., price freeze, cost-based calculation, etc.).

**RESPONSE:** See Response to Request MCIC-61. Also see General Objection No. 6. Tennessee laws, regulations and rulings speak for themselves and no further response is required.

MCIC-66 Please provide a description and identify for disclosure all documentation for all UTSE currently offered bundles and volume discounts involving the following: a) dark fiber loop service, b) OC-n level loop service, c) DS-3 loop service and d) DS-1 loop service.

**RESPONSE:** See Response to Request MCIC-37

MCIC-67 Please provide a description and identify for disclosure all supporting documentation for all UTSE planned or contemplated bundles and volume discounts involving the following: a) dark fiber loop service, b) OC-n level loop service, c) DS-3 loop service and d) DS-1 loop service.

**RESPONSE:** See Response to Request MCIC-37.

MCIC-68 Please identify for disclosure all documents in your possession, custody or control that address or assess the risk of stranded loop capacity on all or any portion of UTSEs' existing network in Tennessee.

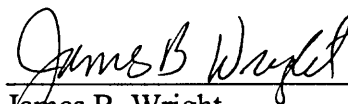
**RESPONSE:** See Response to Request MCIC-37.

### REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please produce all documents that were identified, or that should have been identified, in response to the preceding Interrogatories.

**Response:** To the extent this Request for Production of Documents seeks documents pertaining to Interrogatories to which Sprint objected, Sprint objects for the reasons set forth in its Response to the related Interrogatory.

Respectfully submitted this 25th day of November, 2003.

A handwritten signature in cursive script, reading "James B. Wright", is positioned above a horizontal line.

James B. Wright

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